THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4613 of 1998

DATED: 08.06.2007

Between:

S.Vijaya Kumar .. Petitioner.

And

The Managing Director, APSRTC,
Musheerabad at Hyderabad,
and another. .. Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4613 of 1998

ORDER:

This writ petition is filed for a Writ of Mandamus to direct the respondents to absorb the petitioner into the service of Andhra Pradesh State Road Transport Corporation in pursuance of the circulars issued by the respondents vide PD.126/87, dated 23.11.1987 and PD.1/96, dated 12.03.1996, by declaring the order, dated 12.07.1997, passed by respondent no.2, whereby the petitioner's claim for absorption was rejected, as null and void.

2. The petitioner, who claims to be a displaced employee in a private bus plied on the route, which was subsequently nationalized, earlier filed W.P.No.13805 of 1996 before this Court and the said writ petition was disposed of with a direction to the respondent no.2 to consider the case of the petitioner in terms of circular PD.126/87, dated 23.11.1987. Consequently, the Regional Manager i.e., respondent No.2 evidently issued a show cause notice, dated 29.03.1997, calling upon the petitioner to produce the required certificates namely L.E.O. (Labour Enforcement Officer) certificate, attendance particulars, letter of appointment etc. Though the petitioner has not filed the copies of the show cause notice and the explanation submitted by him in this writ petition, the impugned order shows that the petitioner submitted his explanation on 06.05.1997.

3. Heard Sri S.Chandra Sekhar, learned counsel for the petitioner,

and none appeared for the respondents.

4. Sri S.Chandra Sekhar, learned counsel for the petitioner, submitted that though he produced the certificate issued by the Assistant Labour Officer, as there was no post with a designation Labour Enforcement Officer, the same was not accepted by the Selection Committee.

5. The question whether the certificate of experience produced by the petitioner was genuine or not was examined by the Selection Committee, and it has come to the conclusion that the petitioner failed to produce the required certificates. This controversy being in the realm of disputed questions of fact, this Court cannot adjudicate upon the question whether the petitioner's claim that he worked with the private operator on the displaced route was correct or not. Moreover, the petitioner failed to file before this Court the copies of show cause notice and the explanation submitted by him, without which, this Court cannot give any comprehensive finding on this disputed issue.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No order as to costs.

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(C.V.NAGARJUNA REDDY,J)

Dt.08.06.2007
v v